

U.S. Department of the Interior Bureau of Land Management

Documentation of Categorical Exclusion
DOI-BLM-NV-L030-2015-0009-CX
December 2014

Best in the Desert (BITD) 300

Lincoln County, NV

Caliente Field Office
Caliente, Nevada
Phone: 775 726-8100
Fax: 775-726-8111



A. Background

BLM Office: Caliente Field Office **Case File No.** NV-045-015-015
NEPA# DOI-BLM-NV-L030-2015-0009-CX

Proposed Action: Competitive race and pre-event fun run using full size trucks, cars/buggies, motorcycles, and all-terrain vehicles (ATV).

Title/Type: Best in the Desert (BITD) 300

Location of Proposed Action:

T1N R 67E, T1N R 66E, T1N R 65E, T1N R 64E

T1S R 63E, T1S R 64E, T1S R 65E, T1S R 66E, T1S R 67E, T1S R 68E

T2S R 68E, T2S R 67E, T2S R 66E, T2S R 65E, T2S R 63E, T2S R 62E

T3S R62E, T3S R63E, T3S R65E, T3S R63E, T3S R62E

T4S R61E, T4S R62E, T4S R63E, T4S R64E, T 4S R65E, T 4S R67E, T 4S R68E

T 5S R61E, T 5S R62E, T 5S R64E, T 5S R65E

T 6S R62E, T 6S R63E, T 6S R64E, T 6S R65E

T 7S R63E, T 7S R64E

T 8S R63E, T 8S R 64E

Proposed Action:

The proposed action is to allow the Best in the Desert (BITD) to conduct their Silver State 300 non-competitive controlled-speed fun and competitive race event. The Special Recreation Permit (SRP) would include full size trucks, cars, buggies, motorcycles, and ATVs. The proposed race course would be approximately 300 miles in length with one lap with seven pit areas that would hold spectators and would serve as a resting/refueling stop for riders as well as the first aid and sanitary locations. The promoter expects 300 event participants and approximately 200 spectators. This event would take place on Saturday May 2, 2015 (race day), with a two-day reconnaissance ride (fun run) on April 18 and 19, 2015.

The applicable Bureau of Land Management (BLM) permit conditions and Special Stipulations for Special Recreation Permits Common to all Nevada BLM Offices are a part of the SRP. The permit and stipulations are attached as Appendix A and have been incorporated as mitigating measures inherent to the proposed action.

Per event stipulations, the race promoter would be responsible for all clean-up efforts and any restoration measures required at pit locations and along the permitted courses following the event. The promoter would provide portable toilets for use by spectators and participants. The promoter would provide on-site emergency medical services and communication.

As part of the operations plan and per event stipulations, BLM requires the promoter to ensure that participants wash their vehicles prior to beginning the race to reduce the potential for the spread of noxious and invasive weed species.

The proposed course is located on existing roads and trails on predominantly BLM administered public land, with small sections of the proposed course crossing through private land on County maintained roads. For the portions of the race course that cross private lands, the promoter is required provide BLM with copies of permission letters from all parties affected before a permit is issued for the event. See attached map (Attachment B).

A BLM outdoor recreation planner and BLM ranger would monitor the event for compliance with all stipulations. The promoter and all participants would be required to abide by BLM stipulations.

BLM would complete a Post Event/Race evaluation. Upon inspection, BLM makes a determination on which portions of the event area or race course, if any, need additional rehabilitation. The permittee may be required to grade, drag, disc, or seed soil and vegetated areas within the course and pit areas impacted by the event. Main access roads used by support/rescue vehicles would be repaired by the promoter to pre-event status. Compliance with site-specific stipulations requiring rehabilitation must be accomplished within 15 days following the event unless a shorter time frame is required for public safety.

All work performed, including the submittal of a post use report and payment of post use fees, are required within 15 days following the event. After 15 days, BLM recreation staff would conduct a post use inspection of the race route to evaluate resource conditions and route rehabilitation/course cleanup to determine if rehabilitation/cleanup is complete and acceptable.

The event would occur within the following grazing allotments: Pahroc, Buckhorn, Delamar, Oak Springs, Mustang, Rattlesnake, Cliff Springs, Ely Springs Cattle, Black Canyon, Klondike, South Wilson Creek, Ely Spring Sheep, Pioche, Highland Peak, Bennett Spring, Comet, Black Hills, Road Side, Warm Springs, White Hills, Panaca Cattle, Little Mountain, Clover Creek, Peck, Six Mile and Sawmill.

This event is within the Caliente, Alamo, and Pioche Special Recreation Permit Area established in the Ely District Office (EYDO) Record of Decision (ROD)/Approved Resource Management Plan (RMP) 2008.

B. Land Use Plan (Plan) Conformance

LUP Name: Ely District Record of Decision and Approved Resource Management Plan

Date Approved/Amended: August 20, 2008

The proposed action is specifically provided for in the following management decisions in the Ely RMP under Recreation (page 81):

REC-14: Manage for a maximum of two competitive truck events each calendar year.

The proposed project is in conformance with the LUP, because it is clearly consistent with the following LUP decisions and/or goals and objectives:

Goals: "Provide quality settings for developed and undeveloped recreation experiences and opportunities while protecting resources.

Conduct an assessment of current and future off-highway vehicle (OHV) demand, and plan for and balance the demand for this use with other multiple uses/users.

Develop sustainable off-highway vehicle use areas to meet current and future demands, especially for urban interface areas.”

Objectives: “To provide a wide variety of recreation opportunities to satisfy a growing demand by a public seeking the open, undeveloped spaces that is characteristic of the planning area.

C. Compliance with NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 H(1). “Issuance of a Special Recreation Permit day use or overnight use up to 14 consecutive nights; that impacts no more than three staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. There is no potential for significant impacts to public and private resources. Based on review of the following extraordinary circumstances, the proposed action meets the requirements for a categorical exclusion from further NEPA analysis:

1. Have significant impacts on public health or safety?

Rationale: BLM staff would monitor the event for compliance with all SRP stipulations. Included as part of the SRP are the applicable BLM permit conditions and Special Stipulations common to all Nevada Field Offices. The promoter’s operations plan and safety management plan as provided to the BLM, is adopted as a stipulation of this permit.

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

Rationale: During scoping analysis, the BLM interdisciplinary team, together with representatives of the Nevada Department of Wildlife concluded the event poses no potential for significant impacts to the resources listed in this element. The event is limited to existing roads and trails that are commonly used for OHV uses. The event route avoids and/or does not have potential to significantly affect historic or cultural resources ; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].

Rationale: Since this event is held over a single day, does not limit others’ access to public lands, and is limited to existing roads and trails, no unresolved or controversial conflicts relating to the uses of available resources are known to exist.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215 (d)).

Rationale: OHV events have been occurring for several decades in the BLM Ely District. The effects of competitive OHV races and events are well known and documented in the BLM. Decisions in the Ely RMP address potential impacts to resources. SRP stipulations are incorporated into the permit to protect the environment and minimize risk. BLM attends the event and ensures the promoter complies with the stipulations. If not, the situation is documented in the post-event evaluation.

5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e)).

Rationale: The proposed action does not establish a precedent for future actions. SRPs are considered a discretionary action. Each permit is processed individually with the interdisciplinary team meeting to evaluate the new proposal to ensure it complies/conforms to existing regulations, laws, and plans. All future similar events would be subject to the same NEPA standards and independent decision/permit approval.

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f)).

Rationale: This event occurs on pre-existing roads and trails that have been utilized by event promoters for the past 25 years. Since OHVs can cause impairment to the route for post-event travel, following each event, BLM requires the promoter to rehabilitate the course for public access and future event use. This requirement negates the possibility of cumulative effects of multiple use/events on the route. No other impacts are expected as the route is in a pre-disturbed state.

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau or office.

Rationale: A cultural needs assessment was completed for this event to determine if the proposed action could pose a threat to cultural and historical resources. BLM Archeologists examined records in order to identify known historic properties within one mile of the proposed project and determined that the event would not affect any known historic properties. In addition, the statewide protocol agreement with the State Historic Preservation Office established that events occurring on existing roads and trails are exempt from cultural inventory.

8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

Rationale: The BLM wildlife biologist determined that this event does not pass through any listed species habitat. A portion of this event occurs within the Lower Meadow Valley Wash Area of Critical Environmental Concern (ACEC). The Ely RMP states OHV use is limited to designated roads and trails for this ACEC. BLM was not required to consult with the United State Fish and Wildlife Service for the project.

9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment (43 CFR 46.215 (i)).

Rationale: BLM ensures that authorized events occur in compliance with Federal, State, and local laws through close coordination with these government entities prior to authorizing the permit. The event would not cross any lands governed by Tribal governments.

- 10.** Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).

Rationale: The event uses existing roads and trails and the promoter reclaims the routes following the event. The event does not pose a disproportionately high or an adverse effect to low income or minority populations. The event generates income to local businesses from the participants and the spectators. Since no adverse effects occur from the permitting of this event, no minority or low income populations would be affected.

- 11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).**

Rationale: There are no identified Indian sacred sites on the lands managed by the Bureau of Land Management, Ely District, therefore, this event would not limit access to, or inhibit the ceremonial use of sites protected by EO 13007.

- 12.** Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).

Rationale: On January 24, 2015, BLM conducted a Noxious & Invasive Weed Risk Assessment. Preventative measures are incorporated into the terms and conditions of the permit to mitigate the possible spread of noxious weeds and non-native invasive species. Vehicles must be properly cleaned prior to racing to prevent spreading the infestation into Lincoln County.

D: Signature

Authorizing Official: /s/ Christopher Carlton April 16, 2015
Signature Date

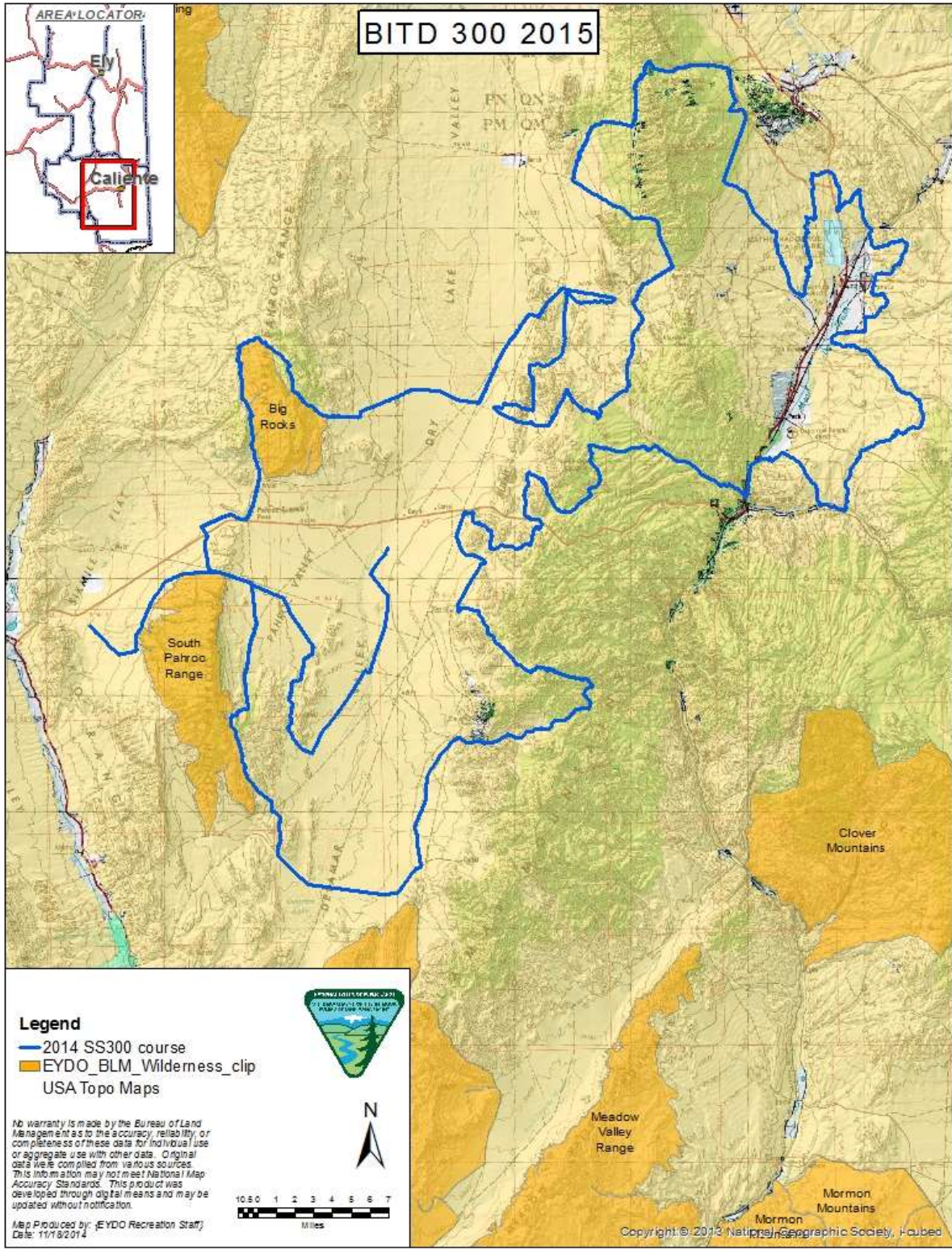
Name: Christopher Carlton

Title: Field Manager, Caliente Field Office.

Contact Person: For additional information concerning this CX, contact Elizabeth Domina at edomina@blm.gov Outdoor Recreation Planner, Caliente Field Office, P.O. Box 237 Caliente, NV 89008 (775)726-8116.

Attachments

Attachment B





United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Caliente Field Office

P.O. Box 237 (1400 South Front St.)

Caliente, Nevada 89008-0237

http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:

2930 (NVL0300)

NV-045-015-015

DECISION

Best In The Desert	:	Special Recreation Permit
Attn: Casey Folks	:	NV-045-015-015
3475 Boulder Highway	:	NEPA # DOI-BLM-NV-L030-2014-0009-
Las Vegas, Nevada 89121	:	CX

It is my decision to approve the Special Recreation Permit (SRP) and implement the Best in the Desert (BITD) 300, 2015 competitive race using: trucks, cars/buggies, motorcycles and all-terrain vehicles (ATV) as described in the *Documentation of Land Use Plan Conformance and Non-statutory Categorical Exclusion of Federal Action* associated with the proposal. *In accordance with 43 CFR 2931.8*, this decision is in full force and effective immediately.

Background Information:

Best in the Desert (BITD) applied for a Special Recreation Permit (SRP) to conduct their Silver State 300 race event. This high-speed competitive race will be conducted using full size trucks, cars, buggies, motorcycles, and all-terrain vehicles. The proposed race course will be approximately 300 miles in length with one lap. This race will occur on Saturday May 2, 2015 with a reconnaissance ride (fun run) occurring on April 18 and 19, 2015.

Scoping and Public Involvement:

The BLM interdisciplinary team scoped the proposed action for extraordinary circumstances in the Caliente Field Office on December 16, 2014. Follow-up discussions occurred with Nevada Department of Wildlife (NDOW) and U.S. Fish and Wildlife Service (the Service) regarding the proposed action.

On January 7, 2015, BLM Caliente Field Office staff discussed the proposed action with Brad Hardenbrook, Tracy Kipke, and Joe Barnes from NDOW. BLM and NDOW agreed to monitor golden eagles during the Fun Run and race as proposed. Several potential golden eagle nests could be active within the vicinity of the event. Biologists from both agencies met in the field on January 8 to begin formulation of a monitoring strategy for golden eagles in relation to the event.

The BLM Caliente Field Office discussed the proposed event with Susan Cooper from the Service on January 7, 2015. The Service agreed with the BLM's proposed golden eagle monitoring approach for this year's event and will like to participate and be apprised of the findings. The Service also thought the timing of the event may be late enough in the breeding season that impacts could be lesser than other times of year.

The BLM and Service also discussed the sighting of a yellow-billed cuckoo (*Coccyzus americanus*) on July 20, 2005 at Grassy Spring in Delamar Valley, near the race course. The Western Distinct Population

Segment of yellow-billed cuckoo was listed as threatened on November 3, 2014. The Service agrees with a "no effect" determination for this event given the timing in early May. Yellow-billed cuckoos are highly unlikely to be in the event area in early May as they are one of the latest arriving neotropical migrants to the United States.

BLM completed a Cultural Resources Inventory Needs Assessment (CRINA) on November 14, 2014. The proposed action is Categorically Exempt from Inventory (Nevada State Protocol Categorical Exemption number C:21).

Team members determined that as a result of permitting the race and fun run, there will be no significant or otherwise unacceptable impacts to the natural and cultural resources. The Extraordinary Circumstances discussed in the enclosed Categorical Exclusion Review Record were analyzed and found to be not affected by the issuance of the SRP and/or not present. Based on review of the following extraordinary circumstances, the proposed action meets the requirements for a categorical exclusion from further NEPA analysis:

1. Would the proposed action have significant impacts on public health or safety? No.

Rationale: BLM staff will monitor the event for compliance with all SRP stipulations. Included as part of the SRP are the applicable BLM permit conditions and Special Stipulations common to all Nevada Field Offices. The promoter's operations plan, and safety management plan to be provided to the BLM is adopted as a stipulation of this permit.

2. Would the proposed action have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas? No.

Rationale: During the scoping analysis, team members concluded that there is a very low or no potential impact for this event, as the entire event will be limited to existing roads, and trails that are used for this purpose. No significant impacts are expected.

3. Would the proposed action have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]? No.

Rationale: Since this event is held over a single day and does not limit others' access to public lands, and is limited to existing roads and trails. No unresolved or controversial conflicts are known to exist.

4. Would the proposed action have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks (43 CFR 46.215 (d))? No.

Rationale: The effects of competitive overland races are well known within the BLM Ely District. Decisions were made in the Ely RMP to resolve conflicts of racing with other resources.

5. Would the proposed action establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects (43 CFR 46.215 (e))? No.

Rationale: The proposed action is a single event that will not determine the decisions for any future actions.

6. Would the proposed action have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects (43 CFR 46.215 (f))? No.

Rationale: This event occurs on pre-existing roads and trails that have been utilized by event promoters for the past 25 years. Following each event, BLM requires the promoter to rehabilitate the course for public access and future event use. This requirement negates the possibility of cumulative effects of multiple use/events.

7. Would the proposed action have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau or office? No.

Rationale: BLM Archeologists examined records in order to identify known historic properties within one mile of the proposed project and determined that no historic properties will be affected by this event. In addition, the statewide protocol agreement established that events occurring on existing roads and trails are exempt from cultural inventory.

8. Would the proposed action have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species? No.

Rationale: The BLM wildlife biologist determined that this event does not pass through any listed species habitat. A portion of this event occurs within the Lower Meadow Valley Wash Area of Critical Environmental Concern (ACEC). The Ely RMP states OHV use is limited to designated roads and trails for this ACEC. BLM was not required to consult with the United State Fish and Wildlife Service for the project.

9. Would the proposed action violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment (43 CFR 46.215 (i))? No.

Rationale: This event will not cross any lands governed by Tribal governments therefore, BLM will not violate any Tribal laws. BLM ensures that authorized events occur in compliance with Federal, State, and local laws through close coordination with these government entities prior to authorizing the permit.

10. Would the proposed action have a disproportionately high and adverse effect on low income or minority populations (EO 12898)? No.

Rationale: Due to the use of existing roads and trails and the requirement to reclaim the routes used therefore, they do not pose a disproportionately high or an adverse effect to low income or minority populations.

11. Would the proposed action limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007)? No.

Rationale: There are no identified Indian sacred sites on the lands managed by the Bureau of Land Management, Ely District, therefore, this event will not limit access to, or inhibit the ceremonial use of sites protected by EO 13007.

12. Would the proposed action contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may

promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112)? No.

Rationale: On January 24, 2015, BLM conducted a Noxious & Invasive Weed Risk Assessment. Preventative measures are incorporated into the terms and conditions of the permit to mitigate the possible spread of noxious weeds and non-native invasive species. Vehicles must be properly cleaned prior to racing to prevent spreading the infestation into Lincoln County.

Rationale for Decision:

As determined on the associated *Documentation of Land Use Plan Conformance and Non-statutory Categorical Exclusion of Federal Action*, the proposed action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan (August 20, 2008) and the qualifications of a categorical exclusion. No further environmental analysis is required based on review of the proposal and the 12 exceptions to categorical exclusions.

Appeal:

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management, Caliente Field Office, 1400 S Front St., Caliente, NV within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Bureau of Land Management
Caliente Field Office
P O Box 237
Caliente, NV 89008-0237

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to each party named in this decision and to the U. S. Department of Interior (DOI) Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

This decision will remain in effect during the appeal unless a petition for stay is granted. If the appellant wishes to file a petition pursuant to regulations at 43 CFR 2931.8 (b) 4.21 for a stay of the effectiveness

of this decision during the time that the Board, the petition for a stay, is reviewing the appeal must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Approved By:

Authorizing Official:	<u>/s/ Christopher Carlton</u>	<u>April 16, 2015</u>
	Field Manager,	Date
	Caliente Field Office	